

TOWN OF WARREN

**PLANNING AND ZONING
COMMISSION**

SUBDIVISION REGULATIONS

OCTOBER 2006
(Amended 2/9/2010 - Section 5.7.2b)

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TOWN OF WARREN SUBDIVISION REGULATIONS

1.0 INTRODUCTION

1.1 AUTHORITY

These Subdivision Regulations are adopted by the Warren Planning and Zoning Commission in accordance with the Connecticut General Statutes as amended.

1.2 PURPOSE

These Regulations are adopted for the following purposes:

- A. to provide for the orderly development of the Town in accordance with the Town's current Plan of Conservation and Development;
- B. to ensure that the land to be subdivided is of such character that it can be used for building purposes without danger to public health or safety;
- C. to provide for the proper provision of water, sewerage, drainage, fire protection, electricity, telephone, cable and other utilities;
- D. to provide for a safe and convenient system of roads for existing and future traffic;
- E. to provide for the conservation of natural and cultural resources, scenic vistas, and the preservation of land for open space, parks, recreation and the community's rural and scenic character;
- F. to encourage energy efficient patterns of development and the use of solar and other renewable forms of energy;
- G. to provide for protection from flood and flood damage; and
- H. to provide for the control of soil erosion and sedimentation.

1.3 APPLICABILITY

No subdivision of land shall be made and no lot in any subdivision shall be sold, conveyed, or offered for sale, until a subdivision map, prepared in accordance with these Regulations, has been approved by the Warren Planning and Zoning Commission and the approved map has been endorsed by the Commission Chairman or Secretary and filed in the Office of the Warren Town Clerk.

1.4 CONFORMITY TO ZONING REGULATIONS

All subdivision plans shall conform to the Town's Zoning Regulations in effect at the time of the receipt of the subdivision application.

2.0 DEFINITIONS

2.1 GENERAL TERMS

The following words and phrases shall be construed throughout these Regulations to have the meaning indicated in this section.

- 2.1.1 Words used in the present tense include the future.
- 2.1.2 Words used in the singular include the plural; the plural includes the singular.
- 2.1.3 The word "Town" means the Town of Warren.
- 2.1.4 The word "State" means the State of Connecticut.
- 2.1.5 The word "Regulations" means the Town of Warren Subdivision Regulations.
- 2.1.6 The word "Commission" means the Town of Warren Planning and Zoning Commission.
- 2.1.7 The term “Health Department” means the Torrington Area Health Department or its successor.
- 2.1.8 The word "shall" is always mandatory; the word "may" is always permissive.
- 2.1.9 The term “Regulations Concerning the Construction and Acceptance of Streets” means the ordinance adopted by the Town of Warren which governs the construction and maintenance of roads in the Town. This ordinance may be cited as “Road Regulations”.

2.2 SPECIFIC DEFINITIONS

- 2.2.1 Agricultural Purposes - land used for the raising and/or keeping of domestic animals and/or growing grains, fruits, vegetables, hay, trees and shrubs.
- 2.2.2 Applicant - the owner, or the legal agent of the owner, of the property that is the subject of the subdivision application.
- 2.2.3 Application - the completed official form by which a subdivision is proposed to the Commission in accordance with these Regulations, along with all required data, maps, reports, plans, and other information.
- 2.2.4 Building Lot - a lot approved for construction of a structure.

- 2.2.5 Caliper - diameter of a tree trunk as measured six inches from ground level.
- 2.2.6 Cul-de-sac - a road with a single means of entry and exit.
- 2.2.7 Detention Basin - a facility for the temporary storage of storm water runoff.
- 2.2.8 Developer - the owner of an approved subdivision.
- 2.2.9 Dry Hydrant - a hydrant used to draw water from a cistern or a pond.
- 2.2.10 Final Approval - in referring to a subdivision, means that (1) all required municipal improvements – i.e. roads, utilities, etc. - have been bonded, (2) all modifications deemed necessary by the Commission to bring the proposed subdivision into compliance with these Regulations have been satisfied or bonded, and (3) the approved subdivision map has been endorsed by the Commission's Chairman or Secretary.
- 2.2.11 Lot - a unit of land resulting from a subdivision.
- 2.2.12 Open Space - land dedicated or reserved in perpetuity for public or private use and enjoyment and on which development is limited or prohibited. The parcel may be used for agricultural purposes or forestry, or non-profit, non-commercial activities such as active or passive recreation, wildlife habitat, natural resource conservation, or scenic preservation.
- 2.2.13 Parcel - a contiguous piece of land that is the subject of a subdivision or resubdivision application.
- 2.2.14 Private Road – any vehicular thoroughfare which has not been accepted by the Town.
- 2.2.15 Professional Engineer - a person licensed by the State of Connecticut to practice as a professional engineer in civil engineering.
- 2.2.16 Recreation, Active - means leisure-time activities, usually of an organized nature and usually performed with others and requiring equipment and a dedicated playing area. Baseball, soccer, tennis, golf and basketball are examples of active recreation.

- 2.2.17 Recreation, Passive - means activities that are less energetic than active recreation and require little, if any, equipment or playing fields. Examples include walking, fishing, jogging, bicycling, picnicking, and bird watching.
- 2.2.18 Reserve Strip - a lot, or part of a lot, used to limit access to another lot.
- 2.2.19 Resubdivision - a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any road layout shown on such map, (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map. Resubdivision is included in the term "subdivision".
- 2.2.20 Road - any vehicular thoroughfare which is accepted or intended for acceptance by the Town.
- 2.2.21 Specimen Tree - a tree with a trunk measuring 30 inches or greater in diameter at 4.5 feet above ground level.
- 2.2.22 Subdivision - the division of a parcel of land into three or more lots made subsequent to the adoption of subdivision regulations by the Commission for the purpose of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.¹
- 2.2.23 Surveyor - a person licensed by the State of Connecticut to practice as a land surveyor.
- 2.2.24 Walkways - pedestrian paths up to four feet wide. Materials used are site specific and environmentally suitable.

3.0 APPLICATION PROCEDURES

3.1 PRELIMINARY REVIEW

To expedite the review of proposed subdivision applications, the Commission recommends each prospective applicant do the following:

- 3.1.1 Thoroughly review the requirements of these and other applicable Town regulations – e.g. Inland Wetlands Regulations, Zoning Regulations, Town Road Regulations.;

¹ The Town first adopted subdivision regulations on October 6, 1975.

- 3.1.2 Contact all Town agencies, in addition to the Commission, whose approval or report will be required as part of the formal application in order to understand their requirements for complying with these regulations.
- 3.1.3 Submit for preliminary review by the Town Staff and the Commission a preliminary subdivision map showing existing conditions including contour lines and soil types, and proposed lot lines, roads and open space. To be placed on the agenda of the Commission's next regularly scheduled meeting, the preliminary subdivision map must be received not less than seven days prior to the meeting. The preliminary map shall be a tentative proposal to be used for the sole purpose of clarifying and guiding the design of a subdivision map to be later submitted with a formal application. The preliminary map shall not be construed to constitute an application for approval within the meaning of the Connecticut General Statutes. The Commission may review a preliminary subdivision map, along with any other relevant materials, at a meeting and advise the prospective applicant of its comments and suggestions, if any, for changes. Such comments and suggestions shall be purely advisory in nature and shall not bind either the Commission or the prospective applicant. The Commission's comments and suggestions shall not imply approval or denial.

3.2 APPLICATION

- 3.2.1 An applicant for subdivision shall submit to the Warren Land Use Office, as the representative of the Commission, the following:
- A. a completed application form as prescribed by the Commission;
 - B. ten copies of the information specified in Section 4.0; and
 - C. the application fee as established by the Commission in its Schedule of Fees for Zoning and Subdivisions. The Commission may also charge the applicant a surcharge to cover the Commission's expenses in hiring consultants to review the application.
- The Commission may estimate this surcharge following the receipt of the application and require the applicant to pay the surcharge within ten days of the transmittal of this estimate to the applicant. Any portion of the surcharge not expended in connection with the application shall be refunded to the applicant.

- 3.2.2 A subdivision application which involves a regulated activity, as defined in the regulations of the Warren Inland Wetlands Commission shall be submitted to the Commission after, or at the same time as, an application to the Inland Wetlands Commission.
- 3.2.3 To be placed on the agenda of the Commission's next regularly scheduled meeting, the application must be received at least seven days prior to the meeting. The date of receipt of the application is governed by the Connecticut General Statutes.²

3.3 REVIEW OF PLANS

- 3.3.1 The Commission shall forward the application to the appropriate departments and agencies for their review and comment.
- 3.3.2 The Commission may ask for comments on the application from other agencies including State and Federal agencies.
- 3.3.3 The Commission may schedule a site visit to familiarize itself with the property.
- 3.3.4 Upon the request of the Commission, the applicant shall have a surveyor stake out the parcel perimeter, lot boundaries, easement boundaries, drainage structures, and/or the centerline of any proposed road and driveway. The staking shall be done in such a manner that the Commission members visiting the site can readily identify the location of the parcel, the roads and driveways, the easements, the drainage structures and the lots.

3.4 PUBLIC HEARINGS

- 3.4.1 As required by the Connecticut General Statutes³, the Commission shall hold a public hearing on all applications for resubdivision. The applicant is responsible for submitting sufficient evidence for the Commission to determine if the application is a subdivision or a resubdivision.

² Ct. General Statutes Section 8-7d(c) states that the day of receipt shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission or thirty-five days after the submission whichever is sooner.

³ Ct. General Statutes Section 8-7d (a) requires that a public hearing commence within 65 days of the day of receipt of the application.

- 3.4.2 The Commission shall hold a public hearing on applications for subdivisions with three or more building lots and for subdivisions that require the construction of a road. The Commission may hold a public hearing on any subdivision application when, in the opinion of the Commission, the application warrants a public hearing.
- 3.4.3 In addition to the notification requirements in the Connecticut General Statutes⁴, notice of public hearings shall be given in the following manner.
- A. The applicant shall post on the parcel affected by the application a sign notifying the public of the hearing. The sign shall conform to the following requirements.
- i. The sign shall be rectangular in shape with minimum dimensions of two foot by three foot. All lettering on the sign must have a minimum height of 1.5 inches.
 - ii. The applicant shall post the sign in a conspicuous location..
 - iii. The sign shall state the public hearing is for a subdivision application give the name of the applicant, and the time, date, and location of the public hearing. An example of an acceptable sign format can be obtained from the Warren Land Use Office.
 - iv. The sign shall be clearly legible from a road.
 - v. The sign shall be posted at least 10 consecutive days before the public hearing. The sign shall not be removed until after the close of the public hearing.
 - vi. The Commission may deny the application if the applicant fails to post and maintain the sign as required by this section.

⁴ Ct. General Statutes Section 8-7d (a) states: "Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing."

FIGURE 1

REQUIRED NOTIFICATIONS FOR PUBLIC HEARINGS	
LEGAL NOTICE TOWN OF WARREN PLANNING & ZONING COMMISSION _____ _____ _____ _____	THE REQUIRED LEGAL NOTICES ARE PLACED IN THE NEWSPAPER BY THE WARREN PLANNING & ZONING COMMISSION.
APPLICANT NEIGHBOR WARREN CERTIFIED MAIL STAMP	THE APPLICANT SHALL SEND WRITTEN NOTICE OF THE PENDING APPLICATION TO ALL NEIGHBORING PROPERTY OWNERS
PUBLIC HEARING ON SUBDIVISION APPLICATION WARREN PLANNING & ZONING COMMISSION TIME: 7:30 PM DATE: 1/11/07 PLACE: TOWN HALL	THE APPLICANT IS RESPONSIBLE FOR POSTING AND MAINTAINING ON THE PROPERTY A SIGN ANNOUNCING THE PUBLIC HEARING.

B. The applicant shall send written notice of the initial public hearing on the pending application to all neighboring property owners. Neighboring properties shall include all properties within 500 feet of the parcel's

boundary. Notice shall be by certified mail, return receipt requested, on forms provided by the Commission. The notice shall be mailed not less than fourteen days prior to the initial public hearing. The applicant shall submit to the Commission a list of the names and addresses of all neighboring property owners and all certified mail receipts prior to the commencement of the public hearing. The names and addresses of the neighboring property owners shall be taken from the Grand List maintained by the Town Assessor. The Commission shall not consider the application complete, nor shall it approve such application, if the list and the receipts have not been submitted.

3.5 WAIVER

The Commission may waive any requirement of these regulations by an affirmative vote of six Commission members, provided all the following conditions are met.

- 3.5.1 The applicant shall request the waiver in writing. The request shall detail the waiver requested and shall provide sufficient information for the Commission to determine if the waiver is warranted.
- 3.5.2 The waiver is not for the purpose of creating additional building lots.
- 3.5.3 Conditions exist which affect the subject land and are not generally applicable to other land in the area.
- 3.5.4 The waiver will not result in any significant adverse impact on an adjacent property or on public health or safety.
- 3.5.5 The Commission shall state on the record the reasons for granting each waiver.

3.6 ACTION ON APPLICATION

- 3.6.1 The Commission may deny an application if the Commission determines the application is incomplete.
- 3.6.2 The Commission shall approve, modify and approve, or deny any subdivision or resubdivision application. The grounds for its actions shall be stated in the Commission's records.
- 3.6.3 The Commission may approve or approve with modifications a subdivision to be developed in phases if the Commission determines that

each individual phase meets the requirements of these regulations should the remaining phases not be built.

3.7 PERFORMANCE BONDS

- 3.7.1 Prior to the signing of an approved subdivision map by the Commission Chairman or Secretary, the applicant shall post a performance bond with the Town in an amount sufficient to satisfactorily complete all roads, utilities and other improvements that are to be made in connection with the subdivision. The bond shall cover a period described in the Road Regulations.
- 3.7.2 The amount of the performance bond shall be determined by the Commission with the advice of both the Town's consulting engineer and the Town of Warren First Selectman. In computing the amount of the performance bond the Commission may increase the computed amount by up to fifty percent to cover contingencies.
- 3.7.3 Performance bonds shall be in one or more of the following forms.
- A. A certified check payable only to the Town of Warren.
 - B. At least 10% of the bond shall be in the form of an interest bearing certificate of deposit, a money market account or a savings passbook account. The account shall be federally insured. The names of the developer and the Town of Warren shall be on the account and shall be accompanied by a withdrawal slip signed by the developer.
 - C. A maximum of 50% of the performance bond may be in the form of an irrevocable letter of credit from a federally insured bank with offices in the State of Connecticut. The term of the letter of credit shall cover the entire period during which all the required improvements must be completed.
- 3.7.4 On an annual basis, the Commission may require an increase in the amount of the performance bond to cover increased costs due to inflation.
- 3.7.5 Prior to the acceptance of the improvements covered by the performance bond, the Town may use all or part of the performance bond to keep the improvements already constructed in

good repair and/or to eliminate hazardous conditions. Prior to taking any action, the Town shall notify the developer of its intent to take such action and its reasons for doing so.

- 3.7.6 If the Town uses all or part of the performance bond as permitted in Section 3.7.5 above, the developer shall be required to restore the performance bond to an amount deemed sufficient by the Commission to complete the required improvements.
- 3.7.7 The developer may apply for a partial release of the performance bond. After inspection of the completed improvements, the Commission and the First Selectman may release an amount equal to the costs of the completed improvements.
- 3.7.8 If, for whatever reason, the performance bond is insufficient to pay for all costs associated with constructing the required improvements, the developer shall remain liable for such costs in excess of the performance bond and such excess costs shall become a lien against the subdivision's parcels.
- 3.7.9 The final release of the performance bond is governed by the Road Regulations.

3.8 EASEMENTS AND DEEDS

Prior to the signing of an approved subdivision map by the Commission Chairman or Secretary, the applicant shall provide the Commission with all deeds, easements and restrictions required by the subdivision plan. This includes, but is not limited to, deeds for all new roads, rights of way, drainage areas, and open space. These documents shall be in recordable form acceptable to the Commission.

3.9 FILING OF APPROVED MAPS

- 3.9.1 The signed subdivision map shall be filed in the Town's Clerks Office within the time period as specified in the Connecticut General Statutes.⁵ Failure to file the subdivision map within the prescribed time period shall cause the map to become null and void.

⁵ Ct. General Statutes Section 8-25(a) requires that the subdivision map be filed in the Town Clerk's Office within ninety days of the expiration of the appeal period. The Commission may extend the time for filing by two additional ninety day periods.

3.9.2 To provide the Commission adequate time to review any modifications or changes required as a condition of the subdivision approval, the Commission may require the applicant to deliver the maps and plans, performance bonds, and other required documents to the Warren Land Use Office within thirty days of the date of approval. The Commission, at its discretion, may extend this thirty day period up to the period specified in the Connecticut General Statutes.⁶

3.9.3 Within the time period specified by the Commission, the applicant shall deliver the following maps to the Warren Land Use Office for signing by the Chairman or Secretary of the Commission:

- A. one reproducible mylar of the final subdivision map; the Commission may also require the applicant to submit one reproducible mylar of the final site development map;
- B. two paper prints of the final subdivision map;
- C. two paper prints of the final site development map;
- D. two paper prints of the sediment and erosion control plan;
- E. two paper prints of the construction plan;
- F. one copy of the final subdivision map at a scale of 1 inch equals 200 feet for use by the Town Assessor; and
- G. a digitized copy of the final subdivision map in a format acceptable to the Town. This requirement shall not apply in cases where the subdivision map was not produced using a computerized system.

3.10 MODIFICATION OF APPROVED PLANS

If an applicant determines that changes to an approved subdivision plan are needed because of unanticipated site conditions, the applicant shall request approval of those changes from the Commission. The Commission shall either:

⁶ Section 8-25(a) of the Connecticut General Statutes requires that subdivision maps be filed in the Town Clerk's Office within 90 days of the expiration of the appeal period. The Commission may extend this time period for up to a maximum of an additional 180 days.

A. approve the change, with or without modifications and conditions, if the Commission determines the change is minor; or

B. deny the change; or

C. require the applicant to resubmit a new subdivision application according to Section 3.2.

4.0 INFORMATION REQUIRED FOR SUBDIVISION APPLICATIONS

4.1 GENERAL

This section describes the detailed specifications and other information that must be shown on the various maps and plans required as part of the subdivision application. Each map or plan serves a different purpose. The subdivision map shall be suitable for filing in the Town Clerk's Office. The site development map shows existing conditions and proposed changes so that the Commission can evaluate the design of the proposed subdivision.

4.2 BASIC REQUIREMENTS FOR ALL MAPS AND PLANS

- 4.2.1 The subdivision map, the site development map, and the sediment and erosion control map shall be drawn at a scale of 1 inch equals 40 feet. The Commission, at its discretion, may allow other scales to be used.
- 4.2.2 Maps shall be drawn on sheets 24 inches by 36 inches, 18 inches by 24 inches or 12 inches by 18 inches provided the parcel can be shown at the required scale.
- 4.2.3 If more than one sheet is required, an index map showing the entire subdivision shall be provided. The index map shall show the outline of the parcel, proposed lots, existing and proposed roads, and the identification and limits of each map sheet. Match lines shall be shown on each sheet. The scale of the index map shall not exceed 1 inch equals 200 feet unless otherwise allowed by the Commission.

4.3 SUBDIVISION MAP AND SITE DEVELOPMENT MAP

The following information, where applicable, shall be shown on both the subdivision map and the site development map. In preparing the site development map, the applicant may use topographic and utility information provided by the Town. The Commission, however, may require the topography and utility locations to be verified in the field.

- 4.3.1 Name of the subdivision (if any). The name should not duplicate, or be similar to, the name of any previous subdivision in the Town.
- 4.3.2 The Town Assessor's map and lot numbers for the parcel, the street name, and, if available, the street number for the parcel.
- 4.3.3 Name of the owner of the land to be subdivided.
- 4.3.4 Name of the applicant, and the relationship of the applicant to the owner, if different from the owner.
- 4.3.5 Scale of map including numbers and a visual scale.
- 4.3.6 Date of original preparation and dates of all revisions.
- 4.3.7 North arrow.
- 4.3.8 Existing and proposed roads.
- 4.3.9 Names for proposed roads.
- 4.3.10 Boundaries of inland wetlands, and watercourses as well as limits of the regulated activities from the inland wetlands and watercourses as defined by the Warren Inland Wetlands Commission.
- 4.3.11 Boundaries of floodplains as defined by the federal government.
- 4.3.12 Ponds, lakes and streams and their direction of flow.
- 4.3.13 Existing structures and notes indicating their preservation or removal.
- 4.3.14 Zoning district(s).
- 4.3.15 Town boundaries.
- 4.3.16 Lot lines.
- 4.3.17 Building setback lines for each lot.

4.4 SUBDIVISION MAP

In addition to the information required in Section 4.3, the following information, where applicable, shall be shown on the subdivision map.

- 4.4.1 Existing parcel boundaries and proposed lot lines with dimensions and bearings for each segment. Lots shall be numbered or lettered.
- 4.4.2 Dimensions and bearings of all existing and proposed easements including information on the purpose of the easement - e.g. utilities, conservation, open space, right of way, etc. - and the existing or proposed owner of the easement.
- 4.4.3 Total area of the parcel in acres to three decimal places.
- 4.4.4 Total area of proposed open space in acres to three decimal places.
- 4.4.5 Area of each proposed lot in acres to three decimal places.
- 4.4.6 Existing and proposed monuments and pins.
- 4.4.7 Location map at a scale not to exceed 1 inch equals 1,000 feet showing the proposed roads and lots in relation to the surrounding roads within 500 feet of the proposed subdivision.
- 4.4.8 Note indicating how the subdivision is to be provided with water and sanitary services.
- 4.4.9 Dimensions on all lines are to be to the hundredth of a foot.
- 4.4.10 All bearings or deflection angles, tangent distances and the radius of each arc.
- 4.4.11 State plane coordinates at not less than four points on the subdivision perimeter.
- 4.4.12 Certification by a surveyor that the map meets the standards of a Class A-2 survey.
- 4.4.13 A note describing any conditions, modifications, special exceptions or variances pertaining to the subdivision including dates of approval thereof.

4.5 SITE DEVELOPMENT MAP

In addition to the information required in Section 4.3, the following information, where applicable, shall be shown on the site development map.

- 4.5.1 The A-2 survey on which the site development map is based.
- 4.5.2 Existing and proposed lot lines and boundaries including lot numbers.
- 4.5.3 Location of all existing and proposed easements including information on the purpose of the easement (e.g. utilities, conservation, open space, right of way, etc.) and the proposed owner of the easement.
- 4.5.4 Existing and proposed contour lines at an interval of not more than 2 feet unless otherwise allowed by the Commission. The source of the topographic information shall be given.
- 4.5.5 Boundaries of all soil types.
- 4.5.6 Location of proposed structures and primary and reserve septic fields for each lot.
- 4.5.7 Location of existing and proposed utility poles.
- 4.5.8 Location of existing and proposed utilities for water, sanitary, and storm water drainage. This is to include manholes, catch basins, headwalls, detention areas, and all related facilities.
- 4.5.9 Walkways.
- 4.5.10 Proposed driveways for each lot.
- 4.5.11 Boundaries of wooded areas.
- 4.5.12 Location of specimen trees within the area to be disturbed or affected by construction activities.
- 4.5.13 Location of existing and proposed landscaping as required by Section 5.6. The botanical and common name of all species to be planted shall be given as well as the size at time of planting.
- 4.5.14 Sight lines for existing and proposed roads.
- 4.5.15 Location of historic and archeological sites and stone walls.

- 4.5.16 Location of the habitat of any threatened or endangered species or species of special concern as defined by the Connecticut Department of Environmental Protection.
- 4.5.17 Location of existing and proposed electrical, cable, telephone, water and natural gas lines.
- 4.5.18 Location of existing and proposed fire ponds, stand pipes, and cisterns.
- 4.5.19 Location and type of all traffic control devices, existing and proposed.
- 4.5.20 Location of existing and proposed road lights, height of the poles, and type of lighting.
- 4.5.21 Any proposed disturbance of existing conditions between the subdivision boundaries and the paved or traveled way of any existing road.
- 4.5.22 Other information as may be required by the Commission.
- 4.5.23 Maps shall be sealed by a professional engineer.

4.6 CONSTRUCTION PLANS

This section outlines the minimum construction information the applicant must submit. The Commission may require additional information if, in the Commission's opinion, the additional information is needed to determine that the improvements will be built in accordance with good engineering practice.

- 4.6.1 Plan and profile drawings shall be submitted for all public improvements and utilities including, but not limited to, proposed roads, storm drains, sanitary sewers, catch basins, manholes, watercourses, headwalls, walkways, electrical lines, curbs, gutters, culverts, bridges, water lines, and natural gas lines.
- 4.6.2 Plan and profile drawings shall be at a horizontal scale of 1 inch equals 40 feet and at a vertical scale of 1 inch equals four feet.
- 4.6.3 For roads, the following additional information shall be shown:
 - A. sample road cross sections;
 - B. existing grades and proposed elevations at the center line and both road edge lines; and

C. beginning, end, low or high point and length of vertical curve;

4.6.4 The depth, invert, slope and size of all pipes, ditches, culverts, manholes, catch basins shall be shown.

4.6.5 Detailed drawings of any bridges, culverts, manholes, or other structures shall be submitted.

4.6.6 All construction plans shall be sealed by a professional engineer.

4.7 SEDIMENT AND EROSION CONTROLS PLAN

A soil erosion and sediment control plan shall be submitted. This plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and to reduce the danger from storm water runoff on the proposed site. Such principles, methods and practices are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. The soil erosion and sediment control plan shall contain, at a minimum, the following information:

4.7.1 A site specific narrative describing:

A. the development;

B. the schedule for grading and construction activities including:

i. the start and completion dates;

ii. a site specific sequence of grading and construction activities - e.g. construction of storm drains, drainage structures, roads, etc;

iii. the sequence for installation of soil erosion and sediment control measures; and

iv. the sequence for final stabilization of the project site;

C. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;

D. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;

E. the installation and application procedures for proposed soil erosion and sediment control measures and storm water management facilities; and

F. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

4.7.2 A map at a scale of 1 inch equals 40 feet showing the following:

A. the location of the proposed subdivision and adjacent properties;

B. the existing and proposed topography including soil types, wetlands, watercourses, and water bodies;

C. the existing structures on the site;

D. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines; and

E. the location of, and design details for, all proposed soil erosion and sediment control measures and storm water management facilities.

5.0 DESIGN STANDARDS

5.1 GENERAL

All subdivisions, including roads, drainage, and other improvements required by these Regulations, shall be planned, designed, and constructed in accordance with the standards specified in this Section.

5.2 PLAN OF CONSERVATION AND DEVELOPMENT

Subdivisions shall be planned and designed in general conformity with the Town's Plan of Conservation and Development.

5.3 SUITABLE LAND

Land to be subdivided shall be of such character that it can be used for building purposes without danger to public health or safety.

The applicant shall demonstrate to the Commission that the parcel to be subdivided is fully capable of providing healthy and safe living conditions for its occupants. These conditions include, but are not limited to, water supply, sewage disposal, absence of flood and erosion hazards, open space, vehicular and pedestrian safety, and accessibility to emergency services.

5.4 RESERVE STRIPS

No privately owned reserve strip shall limit or control access to any road or to any land dedicated or proposed to be dedicated for public use or which shall impair the Town's orderly development.

5.5 FUTURE SUBDIVISIONS

Where one or more lots are created with the potential for further subdivision within the parcel, the initial subdivision shall not prevent or unduly restrict the convenient subdivision of the remaining land. Access to the remaining land shall allow for the extension or creation of roads. In reviewing the potential for further subdivision, the Commission shall consider the location of wetlands, steep slopes, sight lines, and factors associated with potential building lots, driveway access, and roads.

5.6 STREET TREES

It is the Commission's intent to retain the maximum number of existing trees and other vegetation within road rights of way. Where existing trees cannot be preserved within the road right of way or where, in the Commission's opinion, insufficient suitable trees exist or will remain, the applicant shall plant trees along the road frontage of all lots in the subdivision. These trees are to be planted or retained according to the following requirements.

A. Trees shall be planted an average of 40 feet apart. The Commission may require variations in location, species, and quantity due to topography, driveways, need for screening, intersections, utility lines, and planting conditions.

B. New trees shall be native, deciduous shade trees. They shall have a minimum caliper of 3 inches and a minimum branching height of five feet. They shall have a mature height of 35 feet or greater. The Commission may allow deciduous trees with a mature height of less than 35 feet in areas where overhead utility lines or solar energy is of concern.

C. Trees that are planted or retained shall be at least ten feet from the edge of the road's pavement or traveled way.

D. During construction, existing trees to be preserved shall be protected in accordance with Section 5.9.2.

E. In the case of an individual lot along an existing road, the street trees shall be planted prior to the issuance of a certificate of occupancy for a building on that lot. In the case where a new road is constructed, the street trees shall be planted prior to the release of the performance bond.

5.7 OPEN SPACE

5.7.1. Objectives

In reviewing proposed open space and recreation areas the Commission shall consider the following objectives.

A. Preservation of wetlands, watercourses, floodplains, streams, ponds, lakes and adjacent regulated areas as well as ridgelines, slopes greater than twenty-five percent, archeological and historic sites, distant open views visible from public roads, and unusual natural areas.

B. Preservation of the habitat and the presence of any species listed by the State or Federal government as threatened or endangered or of special concern.

C. Provision of open space and recreation areas abutting existing open space and recreation areas on adjoining properties. Scattered small areas of open space should be avoided in favor of larger cohesive areas.

D. Preservation of a rural environment and the Town's character.

E. Protection of aquifers, aquifer recharge areas, and public water supply watersheds.

F. Protection of, or provision for, buffering and screening of development within the parcel from roads or adjacent properties.

5.7.2 Minimum Requirements for Open Space

A. A minimum of 15 % of the parcel shall be set aside as permanent open space.

B. A percentage of the open space covered by I.W. & Watercourses and slopes greater than 20% shall be less than or equal to the percentage of the entire parcel covered by I.W. & Watercourses and slopes greater than 20%.

C. Land covered by existing easements for utilities, conservation or other purposes shall not be counted towards meeting the open space required.

D. The location, amount, ownership, and means of maintenance of the open space must be acceptable to the Commission. The Commission may require the open space to have access to a road.

E. The Commission may approve conservation easements or agricultural easements or declarations of restriction instead of conveyance of the open space in fee simple. The form of any such document must be acceptable to the Commission.

F. Any land to be set aside as open space shall not be graded, cleared or improved, except as specifically approved by the Commission, and shall not be used at any time as a repository for building materials, stumps, brush, earth, demolition materials, or other debris.

5.7.3 Fee in Lieu of Open Space

A. In lieu of providing all or part of the open space as required in Section 5.7.2 above, an applicant may, with the Commission's approval, pay a fee. This fee, or combination of fee and the pre-subdivision fair market value of land reserved for open space, shall not exceed 10% of the fair market value of the land to be subdivided prior to the approval of the subdivision.

B. The fair market value of the land to be subdivided shall be determined by an appraiser jointly selected by the applicant and the Commission. The applicant shall pay the cost of the appraisal. The appraisal shall be completed prior to the signing of the subdivision map by the Commission Chairman or Secretary.

C. A fraction of the total fee shall be paid into the Town open space fund at the time each lot is first sold or transferred. The numerator of this fraction is one; the denominator is the number of approved building lots in the subdivision.

D. At the time of the filing of the approved subdivision map on the Land Records, the applicant shall place on the Land Records a notice for each approved building lot indicating the fee that is due prior to the first transfer of each such lot.

E. The applicant shall have the option of paying the entire fee prior to the filing of the subdivision map on the Land Records.

F. All fees collected under this Section shall be deposited in the Town open space fund that shall be used exclusively for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

5.7.4 Exceptions to Open Space Requirements

The open space requirements in Sections 5.7.2 and 5.7.3 above shall not apply under either of the following conditions:

A. the transfer of all land in a subdivision of less than five lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration;

B. the subdivision is to contain affordable housing, as defined by the Connecticut General Statutes, equal to twenty per cent or more of the total housing to be constructed in the subdivision.

5.8 NATURAL FEATURES

5.8.1 The parcel's natural features shall be preserved to the fullest extent possible. Grading of the land and the cutting of trees shall be held to a minimum. The applicant shall demonstrate to the Commission's satisfaction that the removal of specimen trees is necessary for the reasonable development of the parcel.

5.8.2 Specimen trees that are to be preserved and are within, or on the edge of, the construction area shall be protected during construction by barriers. At a minimum, the barriers shall be placed at the drip line of the tree. The barriers shall be at least three feet high and suitably marked to warn construction workers of the presence of a specimen tree. Reinforced snow fencing is an example of an acceptable barrier. Barriers shall be placed prior to the start of construction activities and shall remain in place until all construction activities are completed. The areas within the drip line of the specimen trees to be preserved shall remain free of all building materials, fill, vehicles, and debris.

5.8.3 No land shall be graded except as shown on the approved site development map. No topsoil shall be removed from any portion of the parcel except where required for the construction of structures, roads driveways, or the installation of utilities and drainage. Where topsoil has been removed, the Commission may require the replacement of said topsoil to a depth of four (4) inches and require these areas to be graded, seeded and mulched to prevent erosion.

5.9 WALKWAYS

The Commission may require that walkways be provided for the safety and convenience of pedestrians. In evaluating the need for walkways, the Commission shall consider the type of road, the projected traffic, the density of development, and the proximity of schools, school bus routes and stops, recreation areas, open space and commercial areas.

6.0 DESIGN STANDARDS FOR ROADS⁷

6.1 GENERAL

Roads shall provide a safe and convenient circulation pattern for both existing and future traffic within the subdivision and within the surrounding neighborhood. Standard details are available in the Town Road Regulations.

- 6.1.1 The arrangement of roads shall conform to the Town's Plan of Conservation and Development where applicable.
- 6.1.2 The arrangement of proposed roads shall be compatible with existing and planned roads. Existing roads shall be continued into the proposed subdivision if deemed appropriate by the Commission.
- 6.1.3 Provision shall be made for the continuation of proposed roads to adjoining properties where the potential exists for the future subdivision of the adjoining properties.
- 6.1.4 When a proposed subdivision covers only part of a larger contiguous piece of land, the applicant shall provide the Commission with a preliminary map indicating a reasonable road layout for the remaining unsubdivided portion of the land.
- 6.1.5 In general, roads should follow the contours of the land.

⁷ Where these regulations differ from the Town Road Regulations, the Road Regulations shall control and these regulations shall be considered to be recommendations to the Board of Selectmen for changes in the Road Regulations.

6.2 ROAD HIERARCHY

Roads shall be classified by type according to the road hierarchy described below. A road's classification is determined by the Commission. The Commission may require the applicant to provide a traffic study to aid in the classification of proposed roads.

- 6.2.1 Local Rural Road: A local road serves the Town's rural residential areas. Lot sizes average three acres or larger. Little or no potential for expansion to serve as arterial or collector. It is designed to carry the least amount of traffic. On-road parking is generally allowed. The number of average daily trips is 500 or less.
- 6.2.3 Residential Collector: Highest order of residential road. It conducts and distributes traffic between neighborhoods. On-road parking is not common. The number of average daily trips is 3,000 or less.
- 6.2.4 Arterial: Interregional road. It conveys traffic between different parts of the Town and between different areas outside the Town; provides frontage for industrial and commercial uses. On-road parking is frequently restricted. The number of average daily trips is 3,000 or more.

6.3 DESIGN STANDARDS BY ROAD TYPE

- 6.3.1 Each road shall be classified and designed for its entire length to meet the standards for one of the road types as defined above. The design standards for each road type are given in Tables 1 and 2 below.

TABLE 1

ROAD TYPE	DESIGN SPEED (MPH)	MINIMUM RIGHT OF WAY (feet)	MINIMUM PAVEMENT WIDTH (feet)	MAXIMUM GRADE	VERTICAL CURVES: MINIMUM STOPPING SIGHT DISTANCE
Local Rural Road	25	50	22	10%	250 FT.
Residential Collector	30	50	22	10%	250 FT.
Arterial	45	60	36	10%	300 FT.

TABLE 2

	MINIMUM		
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ROAD TYPE	CENTERLINE RADIUS FOR HORIZONTAL CURVES	MINIMUM INTERSECTION SIGHT DISTANCE	MAXIMUM GRADE WITHIN 50 FEET OF INTERSECTION
Local Rural Road	150 FT.	350 FT.	2%
Residential Collector	300 FT.	400 FT.	2%
Arterial	700 FT.	630 FT.	2%

- 6.3.2 Local roads shall be laid out so that their use by through traffic will be minimized.
- 6.3.3 The minimum grade on all roads shall be 0.5%.
- 6.3.4 The minimum tangent distance between reverse curves shall be 100 feet.
- 6.3.5 Local rural roads shall have a grass shoulder on each side of the pavement. This shoulder shall:
- A. be free of all obstructions such as trees, walls, and fences; and
 - B. be able to support a 40,000 pound vehicle.
- 6.3.6 For local rural roads, the shoulder shall be four feet wide.

6.4 INTERSECTIONS

- 6.4.1 No more than two roads shall intersect at any one point.
- 6.4.2 Roads shall intersect at an angle as near to ninety degrees as practical. In no case shall the angle of intersection be less than seventy-five degrees.
- 6.4.3 Intersections along one side of a road shall either:
- A. coincide exactly with intersections along the opposite side of the road; or

B. be offset by a distance of at least 200 feet from intersections along the opposite side of the road.

The distance between intersections shall be measured between centerlines of the roads.

6.4.4 The use of "T" intersections, rather than four way intersections, shall be encouraged.

6.5 CUL DE SACS

The following regulations shall apply to both permanent and temporary cul-de-sacs.

6.5.1 Cul-de-sacs shall be designed to serve no more than twenty dwelling units. The maximum length of a cul-de-sac, regardless of the number of dwelling units served, shall be 1,500 feet.

6.5.2 The turn around areas of all cul-de-sacs shall have a landscaped area in the middle. The landscaped area is to be irregular in shape rather than a conventional circular area. The natural vegetation in the landscaped area is to be preserved to the extent possible. The Commission may require additional landscaping in this area.

6.5.3 The turnaround area at the end of a cul-de-sac shall have a minimum right of way radius of 75 feet.

6.5.4 The turnaround area at the end of a cul-de-sac shall have a minimum outside pavement radius 40 feet. The minimum inside pavement radius shall be 20 feet.

6.5.5 The minimum slope for the paved area of a turnaround shall be 0.5%; the maximum slope shall be 3%.

6.6 CURBS

The Commission may require that curbs be installed on any road. In general, curbs will only be required in areas where they are necessary to control storm water drainage.

6.7 TELEPHONE, CABLE AND ELECTRICAL UTILITIES

6.7.1 All telephone, cable, and electrical lines shall be installed in accordance with the specifications and policies of the respective utilities.

- 6.7.2 On new roads all telephone, cable and electrical lines shall be installed underground unless the Commission determines that such underground installation is in whole, or in part, inappropriate or unfeasible. Except for crossings, such lines shall not be located under the road pavement. The lines and facilities shall be installed after the road right-of-way has been graded but prior to installation of the base course for the road pavement.

6.8 STREET NAMES

Street names shall be proposed by the applicant. The Commission shall recommend street names to the Board of Selectmen who approve all road names. There should be no duplication of existing street names nor should there be a phonetic resemblance to the names of existing roads. Proposed roads that are continuations of existing roads should be given the same name.

6.9 SIDE SLOPES

- 6.9.1 Roads in cut or fill shall be provided with side slopes not steeper than two feet horizontal to one foot vertical.
- 6.9.2 In all areas where the side slopes are steeper than four feet horizontal to one foot vertical and slope down from the road, guard rails shall be installed in accordance with the Town Road Regulations.
- 6.9.3 Where a new road abuts private property outside the proposed subdivision, the necessary grading rights shall be obtained by the applicant before subdivision approval. These grading rights shall be shown on the subdivision map and the site development map.

6.10 MONUMENTS

Monuments shall be placed at all block corners, at angle points, at the points of curvature and tangency in roads and at such intermediate points as may be necessary upon completion of final grading. The location of all road monuments shall be indicated on the final subdivision map. The monuments shall be installed and their location certified by a licensed land surveyor. All lot corners shall be marked with pipes or other suitable markers. Easements, opens spaces, and lands to be accepted by the Town shall be marked with pipes or other suitable markers prior to final acceptance by the Town. Additional specifications for monuments and pins are found in the Road Regulations.

6.11 TRAFFIC CONTROL

Street name signs, traffic regulatory signs and warning signs shall be installed as prescribed by the Town at the expense of the applicant. All signs shall be installed prior to the road's acceptance by the Town.

6.12 STREET LIGHTS

- 6.12.1 Rural character will best be preserved by the absence of street lights. Street lights, however, may be required by the Commission on all proposed roads. Illumination is to be kept to the minimum consistent with public safety.
- 6.12.2 Illumination shall be designed so as not to cause either a hazard to drivers or a nuisance to residents.
- 6.12.3 Street lights may be required at all intersections and at the end of all cul-de sacs.
- 6.12.4 Street lights may be required at horizontal and vertical curves if, in the opinion of the Commission, the lights are needed to warn drivers of the curves.
- 6.12.5 The maximum height of light poles shall be twenty feet.
- 6.12.6 The Commission shall approve the number, location, and design of the light poles.

7.0 STORM WATER DRAINAGE

7.1 GENERAL

- 7.1.1 The storm water drainage system shall provide for drainage from the entire parcel and shall take into account land outside the parcel that drains across the parcel.
- 7.1.2 The overall storm water drainage system shall be designed so that the peak runoff rate at all points where the storm water leaves the property does not exceed the rate existing prior to the development. Existing drainage patterns shall be preserved to the extent possible. Any transfer between watersheds shall occur within the parcel. Such transfers are feasible only if there is a zero increase in the peak rate of runoff at all points where the water leaves the parcel and no significant decrease in the total runoff volume unless approved by the Commission.
- 7.1.3 Where the subdivision's storm drainage system is proposed to discharge into a Town storm drainage system, the applicant shall make provisions to accommodate anticipated additional discharge in the event the Town system is not adequate.

Necessary improvements to the Town system to accommodate the additional storm water discharge shall be done at the applicant's expense.

7.2 DETENTION BASINS

- 7.2.1 The Commission may require the construction of detention basins to control peak storm water discharges from a developed area, to control sedimentation and erosion and to filter storm water runoff from developed areas. The storm drainage and stream flow computations shall be of sufficient adequacy so that the Commission can make an assessment of the need for detention.
- 7.2.2 Detention basins shall be designed to achieve a zero percent increase in the peak rate of runoff for the two year to one hundred year storm events.
- 7.2.3 Basins shall be constructed to blend into the existing contours of the land. Appropriate vegetation, approved by the Commission, shall be added for storm water filtration. The Commission may also require that the basin be of an irregular shape so as to better blend into the parcel's existing contours. The basin's side slopes shall be no steeper than 3 feet horizontal for one foot vertical.
- 7.2.4 Maintenance accessways and easements shall be provided for all facilities. Accessways and easements shall be designed to allow access to all parts of the facility. The accessway shall be 10 feet wide. The accessway surface shall be 12 inches of rolled gravel formed in two equal lifts. The accessway's slope shall not exceed 15%.
- 7.2.5. Easements
Twenty foot wide easements centered on the storm drain pipe shall be provided to the Town for all storm water pipes which are not installed either in a right of way or on other land to be deeded to the Town. Easements for outlet pipes shall extend to a suitable existing storm drain or an adequate natural watercourse.
- 7.2.6 Private Drains
Provisions shall be made for all private storm water drains such as footing drains and yard drains. Private storm water drains shall not be directly connected to the Town's storm water system.

8.0 SOLAR AND RENEWABLE ENERGY

8.1 SITE DESIGN

The applicant shall consider site designs that promote energy efficient patterns of development, the use of solar or other renewable forms of energy and energy conservation.

8.2 PASSIVE SOLAR ENERGY

The applicant shall demonstrate to the Commission that the use of passive solar energy techniques has been considered in the development of the subdivision plan. Passive solar energy techniques mean site design techniques which:

- 8.2.1 during the heating season, maximize solar heat gain, minimize solar heat loss and provide thermal storage within a building; and
- 8.2.2 during the cooling season, minimize heat gain and provide for natural ventilation during the cooling season.

8.3 PASSIVE SOLAR ENERGY TECHNIQUES

Passive solar energy techniques include, but are not limited to, the following:

- 8.3.1 having the proposed principal building oriented so that the longest side of the building faces within 30 degrees of true south;
- 8.3.2 having roads laid out within 30 degrees of an east-west axis;
- 8.3.3 providing vegetative buffers on the northwesterly side of principal building to reduce heat loss due to winter winds;
- 8.3.4 locating buildings to avoid shadows cast by other buildings or natural features; and
- 8.3.5 providing easements to protect solar access.

9.0 WATER SUPPLY

An adequate, dependable and potable water supply, as defined by the Health Department, shall be shown to be feasible for each building lot.

A private well shall be located and constructed on each lot. The Commission, however, may allow a private well to serve two or more lots provided the applicant demonstrates to the Commission's satisfaction that the well has sufficient capacity to supply the lots to be served and that the necessary easements and agreements will be in place to ensure each lot owner's use of the well and the well's maintenance.

Each well shall be located and constructed in accordance with the requirements of the Connecticut State Department of Health and shall have the approval of the Health Department.

10.0 FIRE PROTECTION

All fire protection measures required by the Commission shall be completed prior to the issuance of a certificate of occupancy for any dwelling in the subdivision, and a note to that effect shall be placed on the subdivision map.

- 10.1 The Commission may require the construction of fire ponds, dry hydrants and/or cisterns. A fire pond, dry hydrant and/or cistern shall be accessible to an emergency vehicle. The installation of a fire pond, dry hydrant, cistern and accessway shall conform to the specifications of the local fire department.

- 10.2 Fire Ponds and Dry Hydrants
- A. To provide access to the fire pond or dry hydrant, the Commission may require the construction of an accessway capable of supporting emergency vehicles.
- B. The Commission may require an easement for the use of the pond, dry hydrant and the accessway by the local fire department.
- C. The responsibility for the maintenance of the fire pond, dry hydrant, and accessway shall be determined by the Commission.

- 10.3 Cisterns
- A. Cisterns shall have a minimum capacity of 20,000 gallons. The Commission may require cisterns with a greater capacity when, in the opinion of the Commission, the situation warrants.
- B. Cisterns shall be located underground in, or adjacent to, a road right of way.
- C. The responsibility for the ownership and maintenance of the cistern shall be determined by the Commission.

11.0 SEWAGE DISPOSAL

Each building lot shall have a means of sanitary sewage disposal that is acceptable to the Commission and the Health Department.

- 11.1 Prior to approving any subdivision with on-site sewage disposal systems, the Commission shall have received a report from the Health

Department indicating that each lot in the subdivision is capable of supporting an on-site system.

- 11.2 On-site sewage disposal systems shall be designed and constructed in accordance with the regulations of both the Health Department and the State Health Department.

12.0 ENFORCEMENT

- 12.1 Any person, firm or corporation subdividing or resubdividing land without the approval of the Commission shall be subject to penalties as specified in the Connecticut General Statutes⁸. Any person, firm or corporation offering for sale a lot in a subdivision or resubdivision that has not been approved by the Commission shall also be subject to penalties as specified in the Connecticut General Statutes.

- 12.2 If a condition of subdivision approval has been violated, the Commission may have a notice of the violation placed on the Warren Land Records in the Town Clerk's Office. The purpose of this notice is to alert potential buyers and lenders of the violation. No zoning permits or certificates of occupancy shall be issued for the subdivision until the violation has been corrected to the Commission's satisfaction.

13.0 AMENDMENTS

The Commission may amend these regulations in accordance with the procedures in the Connecticut General Statutes.⁹

14.0 VALIDITY

If any part of these regulations is declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of the rest of these regulations.

⁸ The Connecticut General Statutes set a maximum fine of \$500 if a lot is offered for sale, sold, or subdivided without Commission approval. see Connecticut General Statutes Section 8-25 (a).

⁹ See Section 8-25 (a) of the Connecticut General Statutes.

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